IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 1079 (M/B) of 2004

Ram Sakal S/o Triveni
R/o Village Nausar
P.S. Khatima
District Udham Singh Nagar …. Petitioner

Versus

State of Uttaranchal through
District Magistrate
Udham Singh Nagar & anohter ….. Respondents

Sri S.C. Bhatt learned counsel for the petitioner
Learned A.G.A. for the respondents

Coram : Hon'ble Rajesh Tandon, J.
Hon'ble B.C. Kandpal, J.

Oral Judgment (per Hon'ble Rajesh Tandon, J

By the present writ petition, the petitioners have prayed for a writ order or direction in the nature of mandamus commanding the respondents not to use any coercive measure against the petitioner and further the recovery of maintenance amount may not be recovered from the petitioner.

The grievance of the petitioner is that the amount of Rs. 400/- per month which was directed to be paid as interim maintenance on 28.03.1998 was passed against Sri Endul Sharma and not against the petitioner. Therefore, the petitioner has prayed that there is occasion to harass him by using coercive measure.

We have perused the order dated 28.03.1998 in case No. 200 of 1996 Smt. Kanchan Vs. Endul Sharma wherein the Family Court Judge has directed for the realization of amount from 17.04.1996 @ Rs. 400/- per month from the husband namely, Sri Endul Sharma.

The respondents are at liberty to realize the said amount from Sri Endul Sharma which was granted by the Family Court Judge under Section 125 of the Code of Criminal Procedure.

In view of the above, the respondents are directed not to take any coercive method against the petitioner and the respondents are directed to realize the amount from the husband namely, Sri Endul Sharma as per order dated 28.03.1998.

Subject to the aforesaid decision, the writ petition is disposed of accordingly.

(B.C. Kandpal, J.) **(Rajesh Tandon, J.)**

01.11.2004
ASWAL